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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,096	02/26/2004	David P. Ramer	49480-053	2502
7590 08/25/2005				
McDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096			EXAMINER TSIDULKO, MARK	
			ART UNIT 2875	PAPER NUMBER
DATE MAILED: 08/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/786,096	Applicant(s) RAMER ET AL.	
	Examiner Mark Tsidulko	Art Unit 2875	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.  
2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>073004, 051205</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *third field of illumination* (claims 2-4) must be shown (same, as a first [17] and a second [21] fields) or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9, 11, 22, 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramer et al. (US 6,286,979).

Referring to Claim 1 Ramer et al. disclose (Figs.2, 5A) a constructive occlusion lighting device including a light source [421], a diffusely reflective (col.2, lines 30, 31) optical cavity [415] having a wall, wherein a cavity is transmissive (provides an intensity distribution for radiant energy illuminating a first region {Abstract}), a baffle (col.18, lines 64-67), an aperture [423], a mask [419] outside the cavity, spaced from aperture, positioned relative to the aperture and having a reflective surface (col.11, lines 41, 42) and provided distribution of a second portion of the light emerging over the second field of illumination and a support for attaching the lighting device (col.16, lines 50-53).

Referring to Claims 2-4 Ramer et al. disclose (Figs.5A, 5C) a constructive occlusion lighting device wherein the source and the cavity are arranged to provide the emission of a third portion of the light over a third field of illumination (col.12, lines 45-49, col.13, lines 65-67), a port [426] and deflector [428].

Referring to Claim 5 Ramer et al. disclose (Fig.5A) a reflective shoulders [427] and [428].

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Referring to Claim 6 Ramer et al. disclose a support for mounting the system to a ceiling (col.16, lines 50-53).

Referring to Claim 9 Ramer et al. disclose that the mask is made of material having 99% reflectivity (col.6, line 33).

Referring to Claim 11 Ramer et al. disclose a reflective baffle (col.18, lines 64-67).

Referring to Claim 1 Ramer et al. disclose (Figs.2, 5A) a constructive occlusion lighting device including a light source [421], a diffusely reflective (col.2, lines 30, 31) optical cavity [415] having a wall, wherein a cavity is transmissive (provides an intensity distribution for radiant energy illuminating a first region {Abstract}), a baffle (col.18, lines 64-67), an aperture [423], a mask [419] outside the cavity, spaced from aperture, positioned relative to the aperture and having a reflective surface (col.11, lines 41, 42) and provided distribution of a second portion of the light emerging over the second field of illumination and a support for attaching the lighting device (col.16, lines 50-53).

Referring to Claim 25 Ramer et al. disclose (Fig.5A) a light source [421], a diffusive reflector (mask) [419] for diffusely reflecting a light from the light source, a first transmissive diffuser (base) [413], a second diffuser (baffle) (col. col.18, lines 64-67) and a gap (not indicated by number) between the mask and the base.

Referring to Claim 26 Ramer et al. disclose (Fig.5A) a diffusely reflective cavity [415].

Referring to Claim 27 a baffle, as an additional diffuser inherently diffuses the light transmitted to the first field.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 10, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramer et al. (US 6,286,979) in view of Ramer et al. (US 5,967,652).

Referring to Claims 7, 8, 10 ('979) discloses the instant claimed invention except for the material of the cavity wall with at least 85% reflectivity.

('652) discloses this limitation (col.3, lines 23-34).

Referring to Claim 23 Ramer et al. ('979) disclose a baffle (col.18, lines 64-67) within a cavity. It is understood, that the baffle, which plays role of the additional diffuser can be located outside of the cavity, providing absolutely the same function for the system.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the cavity wall of ('979) made of material, as taught by ('652) in order to obtain high level of reflectivity of the wall surface.

Claims 12-21, 24, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramer et al. (US 6,286,979) in view of Ju et al. (KR2004021274).

Referring to Claims 12, 13, 15, 16, 28 Ramer et al. disclose a baffle, but do not disclose its material and white diffuser.

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Since a baffle is used as an additional reflector with the optical cavity, which is made of translucent plastic (col.6, line 42), it is obvious to use same material for the baffle.

Ju et al disclose a white diffusing film, which allows to obtain high reflectivity (see second page of Abstract).

Referring to Claim 14 Ramer et al. disclose (Figs.2, 5A) a constructive occlusion lighting device including a light source [421], a diffusely reflective (col.2, lines 30, 31) optical cavity [415] having a wall, wherein a cavity is transmissive (provides an intensity distribution for radiant energy illuminating a first region {Abstract}), an aperture [423], a mask [419] outside the cavity, spaced from aperture, positioned relative to the aperture and having a reflective surface (col.11, lines 41, 42) and provided distribution of a second portion of the light emerging over the second field of illumination and a support for attaching the lighting device (col.16, lines 50-53) and means to provide the emission of a third portion of the light over a third field of illumination (col.12, lines 45-49, col.13, lines 65-67).

Ramer et al. discloses the instant claimed invention except for cavity wall having a white material providing at least 85% reflectivity.

Ju et al disclose a white diffusing film, having more than 90% reflectivity (see second page of Abstract).

Referring to Claims 17, 18 Ramer et al. disclose (Fig.5A0) the ports [425] and [426] and the deflectors [427] and [428].

Referring to Claim 19 Ramer et al. discloses the instant claimed invention except for that the cavity wall is white with reflectivity about 96%.

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Ju et al disclose a white diffusing film, having more than 90% reflectivity (see second page of Abstract).

Referring to Claim 20 Ramer et al. disclose that the mask is made of material having 99% reflectivity (col.6, line 33).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the white diffusing film, as taught by Ju et al., for the baffle and cavity wall of the device of Ramer et al., in order to obtain high reflectivity.

Claims 21, 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramer et al. and Ju et al., as applied to claim 14 above, and further in view of Ramer et al. (US 5,967,652).

Ramer et al. ('979) discloses the instant claimed invention except for that the cavity wall and mask have 96% reflectivity.

Ramer et al. ('652) disclose that the cavity wall and mask have 99% reflectivity.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the cavity wall and mask of ('979) made of material, as taught by ('652) in order to obtain high reflectivity.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

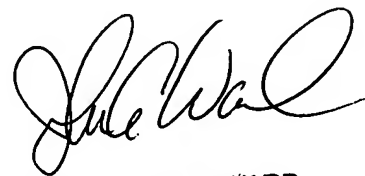


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.  
August 12, 2005

A handwritten signature in black ink, appearing to read 'John Ward', written in a cursive style.

**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**